

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 11-6449

**FILED**  
**Nov 28, 2012**  
DEBORAH S. HUNT, Clerk

JERMAINE SUTTON,  
Plaintiff - Appellee,

v.

METROPOLITAN GOVERNMENT OF NASHVILLE  
AND DAVIDSON COUNTY et al.,  
Defendants,

RICHARD MARTIN, in his individual and official  
capacities as a Metro Police Officer,  
Defendant - Appellant.

Before: GILMAN, GIBBONS, and ROGERS, Circuit Judges.

**JUDGMENT**

On Appeal from the United States District Court  
for the Middle District of Tennessee at Nashville.

THIS CAUSE was heard on the record from the district court and was submitted on the  
briefs without oral argument.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's denial of  
Officer Martin's motion to dismiss is AFFIRMED.

**ENTERED BY ORDER OF THE COURT**



Deborah S. Hunt, Clerk